

No. 03-4178

FILED**FEB 03 2004**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

LEONARD GREEN, Clerk

In re: GERSHWIN NEWMAN,

Petitioner.

ORDER

1:01cv0544

04 FEB -4 AM 9:29

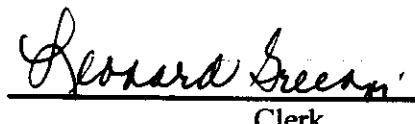
FILED
JAMES BONNA
CLERK

Before: MERRITT, SUHRHEINRICH, and CLAY, Circuit Judges.

The petitioner seeks a writ of mandamus directing the district court to rule on the merits of a motion to vacate sentence filed in that court in August 2001. A current copy of the district court docket sheet shows that the district court entered an order on January 5, 2004, denying the motion to vacate. That order renders moot the relief sought by the petitioner from this court.

It therefore is **ORDERED** that the petition for a writ of mandamus is dismissed.

ENTERED BY ORDER OF THE COURT



Clerk